

AMENDED IN SENATE AUGUST 25, 2005

**SENATE BILL**

**No. 1013**

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**Introduced by Senator Florez**

February 22, 2005

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~~An act to amend Section 84511 of the Government Code, relating to the Political Reform Act of 1974. An act to add Section 12012.65 to the Government Code, relating to tribal gaming, and declaring the urgency thereof, to take effect immediately.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1013, as amended, Florez. ~~Political Reform Act of 1974: political expenditures. Tribal gaming: compacts.~~

*The California Constitution prohibits various gaming activities within the state, including casino-style gambling, but authorizes the Governor, subject to ratification by the Legislature, to negotiate and conclude compacts for the operation of slot machines and the conduct of lottery games and banking and percentage card games by federally recognized Indian tribes on Indian lands in California in accordance with federal law.*

*This bill would state the policy of the Legislature to only ratify a tribal-state gaming compact if the land where the gaming will be conducted is within the boundaries of the tribe's reservation or on land eligible under federal law, unless specified criteria are satisfied.*

*The bill would declare that it is to take effect immediately as an urgency statute.*

~~Under existing law, the Political Reform Act of 1974, a committee that makes expenditures for advertisements, as specified, is required to file a report, as specified, and to include in the advertisement a statement, as specified.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

~~The Political Reform Act of 1974, an initiative measure, provides that the Legislature may amend the act to further the act's purposes with a 2/3 vote of each house and compliance with specified procedural requirements.~~

~~This bill, which would declare that it furthers the purposes of the act, would therefore require a 2/3 vote.~~

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 12012.65 is added to the Government  
2     Code, to read:  
3     12012.65. (a) The Legislature shall only ratify a tribal-state  
4     gaming compact that would allow a tribe to conduct class III  
5     gaming if the land where the gaming will be conducted is within  
6     the boundaries of the tribe's reservation or on land eligible for  
7     gaming pursuant to 25 U.S.C. Sec. 2719 (b)(1)(B) unless each of  
8     the following criteria is satisfied:  
9     (1) The local jurisdiction in which the tribe's proposed  
10    gaming project is located supports the project.  
11    (2) The tribe and the local jurisdiction demonstrate that the  
12    affected local community supports the project by a local advisory  
13    vote of the voters within the county affected. The local advisory  
14    vote shall take place at the next regularly scheduled election  
15    pursuant to Section 1000 of the Elections Code. Because that  
16    election is optional, it is not a state-mandated local program  
17    under Section 6 of Article XIII B of the California Constitution.  
18    (3) The project substantially serves a clear, independent  
19    public policy, separate and apart from any increased economic  
20    benefit or financial contribution to the state, community, or the  
21    Indian tribe that may arise from gaming.  
22    (b) For purposes of this section, "local advisory vote" shall  
23    have the same meaning as a vote by the people living in the  
24    county where the proposed gaming project would be located.  
25    SEC. 2. This act is an urgency statute necessary for the  
26    immediate preservation of the public peace, health, or safety

1 *within the meaning of Article IV of the Constitution and shall go*  
2 *into immediate effect. The facts constituting the necessity are:*

3 *In an effort to promote the further health, safety, and*  
4 *well-being of California residents and ensure the public's right*  
5 *to know of the proposed areas where off-reservation tribal casino*  
6 *sites are being proposed without obtaining the approval from the*  
7 *affected communities, it is necessary for this act to take effect*  
8 *immediately.*

9 ~~SECTION 1. Section 84511 of the Government Code is~~  
10 ~~amended to read:~~

11 ~~84511. (a) A committee that makes an expenditure of five~~  
12 ~~thousand dollars (\$5,000) or more to an individual for his or her~~  
13 ~~appearance in an advertisement to support or oppose the~~  
14 ~~qualification, passage, or defeat of a ballot measure shall file a~~  
15 ~~report within 10 days of the expenditure. The report shall identify~~  
16 ~~the measure, the date of the expenditure, the name of the~~  
17 ~~recipient, and the amount expended.~~

18 ~~(b) The advertisement shall include the statement~~  
19 ~~"(spokesperson's name) is being paid by this campaign or its~~  
20 ~~donors" in highly visible roman font, shown continuously if the~~  
21 ~~advertisement consists of printed or televised material, or spoken~~  
22 ~~in a clearly audible format if the advertisement is a radio~~  
23 ~~broadcast or telephone message.~~

24 ~~SEC. 2. The Legislature finds and declares that the~~  
25 ~~provisions of this act further the purposes of the Political Reform~~  
26 ~~Act of 1974 within the meaning of subdivision (a) of Section~~  
27 ~~81012 of the Government Code.~~